

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:11CV113

REBEL DEBUTANTE LLC, and)
ANNA STUBBLEFIELD, a/k/a ANNA)
FIELDS,)
)
Plaintiffs,)
)
v.)
)
FORSYTHE COSMETIC GROUP,)
LTD., a New York Corporation,)
)
Defendant.)

MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTION FOR
PRELIMINARY INJUNCTION

Defendant Forsythe Cosmetic Group, LTD. (“Forsythe”), by and through counsel and Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, respectfully moves the Court to extend the time within which to respond to the Motion for Permanent and Preliminary Injunction (the “Motion for Preliminary Injunction”) [Doc. # 7] filed by Plaintiffs Rebel Debutante LLC and Anna Stubblefield, a/k/a Anna Fields (collectively, “Plaintiffs”) until after the Motion for Expedited Preliminary Injunction Scheduling and Discovery (the “Motion to Expedite Discovery”) [Doc. # 10] has been decided. In the event that the Motion to Expedite Discovery is denied, Forsythe will be prepared to respond on or before the fourth (4th) business day thereafter. On the other hand, if the Motion to Expedite Discovery is granted, judicial economy will be enhanced by limiting the briefings before the Court. In further support of this Motion, Forsythe shows the Court as follows:

1. Plaintiffs filed the Motion for Preliminary Injunction on February 18, 2011 and Forsythe was served with the motion on February 19, 2011.

2. Forsythe's Response is due no earlier than March 11, 2011, and that time has not yet expired.

3. Forsythe's counsel has contacted counsel for Plaintiffs regarding this Motion. Counsel for Plaintiffs consents to the briefing schedule outlined herein and agrees with Forsythe that this matter can naturally be addressed alongside the Motion to Expedite Discovery.

4. It is in the interests of justice and judicial efficiency to extend the time to respond to the Motion for Preliminary Injunction for the following reasons, among others:

The Motion to Expedite Discovery

5. Although Forsythe sees no need for expedited discovery in this Case, Forsythe recognizes that limited expedited discovery sometimes may be granted when there is a presently pending request for a preliminary injunction. After expedited discovery has closed, there is generally a re-briefing period—re-briefing being necessary to show the Court any newly discovered facts. Forsythe seeks to conserve resources and limit the briefing in this matter in the event that the pending Motion to Expedite Discovery is granted over Forsythe's objection.

6. Should limited expedited discovery be granted, any response before the close of the discovery period would be premature and would require later re-briefing. Forsythe therefore respectfully suggests that its and the Court's resources would be

conserved if its response were delayed until after the Motion to Expedite Discovery is ruled upon. If Plaintiffs' request for expedited discovery is granted, Forsythe will respond within seven (7) days of the close of expedited discovery. If Plaintiffs' request for expedited discovery is denied, Forsythe will respond on or before the fourth (4th) business day thereafter. Plaintiffs' Reply will be due fifteen (15) days after service of Forsythe's Response.

No Prejudice to Plaintiffs

7. Forsythe agrees that it will not count any time since the filing of the Complaint as evidence countering Plaintiffs' allegations in the Motion for Preliminary Injunction.

Attorney Schedules

8. Attorneys Alan B. Clement and Jason Nardiello are lead counsel in this Case and they have multiple conflicts which preexisted the filing of this lawsuit. Mr. Nardiello was out of the country for an extended period of time and only returned today. Mr. Clement has conflicts with multiple other pending cases and will be traveling for motions hearings and depositions throughout the country until after March 22, 2011.

9. Moreover, preparing Forsythe's response to the Motion to Expedite Discovery has been and will continue to be time intensive.

Conclusion

10. To avoid unnecessary burden on this Court and the Parties with multiple briefings of the similar issues and to accommodate lead counsel's preexisting scheduling conflicts, Forsythe respectfully suggests that it is in the interests of justice and judicial

efficiency to extend the time within which to respond to the Motion for Preliminary Injunction until after the Motion to Expedite Discovery has been decided.

11. No previous motions have been filed to extend the time to respond to the Motion for Preliminary Injunction.

12. This Motion is made in good faith and not for purposes of delay.

WHEREFORE, Forsythe respectfully requests that the Court enter an Order extending the time to respond to the Motion for Preliminary Injunction. In the event that the Motion to Expedite Discovery is granted, Forsythe will file and serve its Response within seven (7) days of the close of expedited discovery. In the event that the Motion to Expedite Discovery is denied, Forsythe will file its Response on or before the fourth (4th) business day thereafter.

This the 9th day of March, 2011.

/s/ Clint S. Morse

Clint S. Morse

N.C. State Bar No. 38384

**BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.**

Suite 2000 Renaissance Plaza

230 North Elm Street (27401)

Post Office Box 26000

Greensboro, NC 27420-6000

Telephone: 336/271-3116

cmorse@brookspierce.com

and

Alan B. Clement

Jason Nardiello

LOCKE LORD BISSELL & LIDDELL,

LLP

Three World Financial Center
New York, NY 10281-2101
Telephone: (212) 415-8600
Facsimile: (212) 303-2754
AClement@lockelord.com
JNardiello@lockelord.com

*Attorneys for Defendant Forsythe Cosmetic Group,
LTD.*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

ANDREW L. FITZGERALD
Strauch Fitzgerald & Green, P.C.
118 S. Cherry St.
Winston-Salem, NC 27101
336-725-8688
Fax: 336-725-8688
Email: afitzgerald@sfandglaw.com

This the 9th day of March, 2011.

/s/ Clint S. Morse